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Vice Chair

November 13, 2014

Timothy P. Butters
Acting Administrator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Acting Administrator Butters,

In 2010, a massive explosion killed eight of my constituents, injured 66, destroyed 38 homes, and scarred a neighborhood in San Bruno, California. The disaster and subsequent National Transportation Safety Board (NTSB) investigation revealed significant, national-scale flaws in pipeline safety regulation, particularly in densely populated neighborhoods.

Some of these regulatory weaknesses were addressed in the Pipeline Safety and Community Empowerment Act of 2011 ("Pipeline Safety Act"). In particular, this legislation eliminated the "grandfather clause," by requiring that previously untested gas pipelines located in high-consequence areas be subjected to strength testing. Regulations enacting this clause were to be promulgated "not later than 18 months after the enactment of this section." Unfortunately, nearly 3 years later, no rule has been proposed, much less undergone the public review process.

While the Pipeline Safety Act made important improvements, it does not go far enough in protecting human life and property. I urge PHMSA to incorporate NTSB's recommendations in the rule, particularly requirements that automatic shutoff valves or remote control valves be installed in high-consequence areas and that all natural gas pipelines be configured to accommodate in-line inspection tools (e.g., pigging).

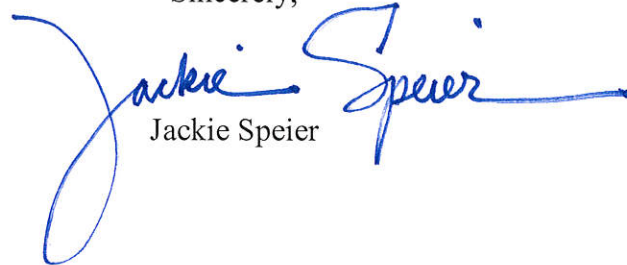
I understand that these issues are complex, but PHMSA has had ample opportunity to engage stakeholders. In August 2011, before the Pipeline Safety and Community Empowerment Act of 2011 became law, PHMSA issued an Advanced Notice of Proposed Rulemaking to "consid[er] whether changes are needed to the regulations governing the safety of gas transmission

pipelines.” In August 2013, PHMSA also publicly discussed an unofficial proposed integrity verification process with pipeline operators and regulators. Multiple rounds of comments have been received on this unofficial proposal – for example, the American Gas Association alone has submitted four rounds of comments.¹ However, when my staff contacted PHMSA to determine if a rulemaking would occur, PHMSA could not provide an estimated time for when a Notice of Proposed Rulemaking would be issued.

This delay has been noted by the Senate Appropriations Committee as well as by my office. In June, the Senate Appropriations Committee approved a measure suggested by Senator Mary Landrieu urging PHMSA to move forward on this critical rulemaking. The Committee wrote in its Transportation, Housing, and Urban Development report, “Whereas we understand the importance of the rule, the Committee believes that PHMSA should have received sufficient input in the past 33 months to develop and propose a rule.”²

Pipeline safety reform is not a matter that can be indefinitely delayed. Since the catastrophe in San Bruno, there have been at least ten more explosions, including one in New York City that killed eight people. I urge PHMSA to send the natural gas safety rule to the Office of Management and Budget as soon as possible. PHMSA must ensure that utilities across the country put safety before profits.

Sincerely,



Jackie Speier

CC: Shaun Donovan, Director, Office of Management and Budget

¹ <http://www.aga.org/our-issues/safety/pipeline-safety/TransmissionPipelines/MAOP-Verification-and-Pressure-Testing-for-Transmission-Pipelines/legislation/Pages/PipelineIVP.aspx>

² <http://www.gpo.gov/fdsys/pkg/CRPT-113srpt182/pdf/CRPT-113srpt182.pdf>